

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN THE MATTER OF:
REGINA K MARKER

CASE NUMBER: 18-32247
CHAPTER 13

Debtor

TRUSTEE'S OBJECTION TO EXEMPTIONS

COMES NOW, the Trustee, Debra L. Miller, and for her Objection to Debtors' Exemptions, states:


1. Debtor filed for Chapter 13 relief on December 18, 2018. Debtor's 341 Meeting of Creditors is scheduled to be held January 30, 2019.
2. Pursuant to 11 U.S.C. §522(b)(3), Indiana has elected to opt out of the federal exemptions and uses the exemptions as set forth in the Indiana Code under applicable sections.
3. On Schedule C, Debtors exempted "100% of fair market value up to any applicable statutory limit" for property located at 28203 Pennsylvania Ave., Elkhart, IN 46516 and did not specify a law that allowed this exemption.
4. Trustee objects to claiming an exemption of "100% of fair market value up to any applicable statutory limit" of the value of \$50,000.00 as that is over the statutory limit under Ind. Code § 34-55-10-2(c)(1).
5. Debtors may be entitled to an exemption under Ind. Code § 34-55-10-2(c)(1) but an actual amount should be listed on Schedule C to determine if Debtors are within the available and allowed exemption limits.

WHEREFORE, Trustee objects to Debtors' claim of exemptions on Schedule C for the reasons stated above and requests that Debtors exemption listed above for 28203 Pennsylvania Ave.,

Elkhart, IN 46516 be stricken, with an Amended Schedule C to be filed that exempts actual dollar amount of items, not "100% of fair market value", and confirms with all applicable statutes.

Dated: January 7, 2019

Respectfully Submitted,


/s/ Debra L. Miller, Trustee
Debra L. Miller, Trustee
PO Box 11550
South Bend, IN 46634
(574) 254-1313

CERTIFICATE OF SERVICE

I hereby certify that a copy of this objection was served as follows on January 7, 2019

By U.S. Mail postage prepaid:

Debtors: Regina Marker, 28203 Pennsylvania Ave., Elkhart, IN 46516

By electronic mail via CM/ECF:

Debtors' Attorney: Thomas Godfrey

U.S. Trustee at ustregion10.so.efc@usdoj.gov

/s/ Debra L. Miller
Debra L. Miller